
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
City of Pompano Beach)	File No.: EB-FIELDSCR-14-00015907
Owner of Antenna Structure Number)	
1201129)	
)	NOV No.: V201432600010
)	
Pompano Beach, Florida)	

NOTICE OF VIOLATION

Released: June 10, 2014

By the Resident Agent, Miami Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to City of Pompano Beach, owner of antenna structure number 1201129 in Pompano Beach, Florida. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On May 16, 2014, an agent of the Enforcement Bureau's Miami Office inspected antenna structure number 1201129 located at 100 SW 3rd St., Pompano Beach, Florida, and observed the following violations:

- a. 47 C.F.R. § 17.4(g): "The Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Material used to display the Antenna Structure Registration Number must be weather resistant and of sufficient size to be easily seen at the base of the antenna structure." At the time of inspection, the Antenna Structure Registration Number was not posted at or near the base of the antenna structure.
- b. 47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the Federal Aviation Administration's (FAA)

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

painting and lighting recommendations set forth on the structure's FAA determination of "no hazard," as referenced in the . . . FAA Advisory Circulars." The FCC's Antenna Structure Registration (ASR) database currently indicates that antenna structure 1201129 requires aviation orange and white paint and red obstruction lighting in accordance with FAA Circular Number 70/7460-1H, Chapters 3, 4, 5, and 13. The antenna structure does not conform to these recommendations. The agent observed that the tower has a flashing white strobe located at the top of the structure. Therefore, it is in violation of 47 C.F.R. § 17.23. In order to come into compliance with the Commission's rules, City of Pompano Beach must do one of the following: (1) obtain a new FAA "no hazard" determination indicating that the current lighting system is permitted and then submit a modified antenna structure registration to reflect the new "no hazard" determination, (2) submit a modified registration if a new FAA "no hazard" determination already has been obtained, or (3) come into compliance with the current requirements.

- c. 47 C.F.R. § 17.57: "The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 24 hours of completion of construction (FCC Form 854-R) and/or dismantlement (FCC Form 854)." According to Antenna Structure Registration (ASR) 1201129, the tower is still in a 'granted' status. The owner was granted authorization to construct the structure, and was sent construction reminders, but never filed the required construction notifications with the FCC advising when construction was completed. City of Pompano Beach is directed to update their ASR to show that the structure has been constructed.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, City of Pompano Beach must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct City of Pompano Beach to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of City of Pompano Beach with personal knowledge of the representations provided in City of Pompano Beach's response, verifying the truth and accuracy of the information

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

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therein,⁵ and confirming that all of the information requested by this Notice which is in the registrant's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Miami Office
P.O. Box 520617
Miami, FL 33152-0617

6. This Notice shall be sent to City of Pompano Beach at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Steven DeSena
Resident Agent
Miami Office
South Central Region
Enforcement Bureau

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).